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8 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
9 SOUTHERN DIVISION

10 ENTROPIC COMMUNICATIONS, LLC,
11 Plaintiff,

12 v.

13 DISH NETWORK CORPORATION,
et al.,

14 Defendants.

15 ENTROPIC COMMUNICATIONS, LLC,
16 Plaintiff,

17 v.

18 COX COMMUNICATIONS, INC., et al.,
19 Defendants.

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§ Case No. 2:23-cv-01043-JWH-KES
LEAD CASE
§ Case No. 2:23-cv-01049-JWH-KES
LEAD CASE

§ Hon. John W. Holcomb
§ Special Master David M. Keyzer

**SPECIAL MASTER ORDER
No. SM-12**

1 Pursuant to the Court's July 5, 2023 Order Appointing David Keyzer, Esq. as
2 Special Master for Discovery Purposes (Civil Action No. 2:23-cv-1043, Dkt. 74; Civil
3 Action No. 2:23-cv-1049, Dkt. 62), and further pursuant to the Court's grant of
4 consolidations (Civil Action No. 2:23-cv-1043, Dkt. 129, Oct. 13, 2023 Order; Civil
5 Action No. 2:23-cv-1049, Dkt. 95, Oct. 16, 2023 Order), the discovery dispute resolution
6 procedure agreed upon by the parties and adopted by the Special Master (Civil Action
7 No. 2:23-cv-1043, Dkt. 85-1, Aug. 4, 2023 Special Master Order No. SM-2; Civil Action
8 No. 2:23-cv-1049, Dkt. 70-1, Aug. 4, 2023 Special Master Order No. SM-2), and e-mail
9 correspondence between the Special Master and counsel for all involved parties on at
10 least January 19, 23, 24, 25, and 29, 2024, the Special Master hereby:

11 **SETS** a discovery hearing for **February 5, 2024, at 9:30 A.M. Pacific Time**, by
12 videoconference, regarding:

13 disputes addressed in the letter briefing submitted to the Special Master
14 by the Cox Communications, Inc., CoxCom LLC, and Cox
15 Communications California, LLC (collectively, "Cox" or the "Cox
Defendants") on January 19, 2024, and Entropic's response thereto on
January 29, 2024.

16 Counsel presenting oral arguments shall appear by video. Other counsel and other
17 attendees (such as client representatives) that do not present oral arguments may attend
18 either with or without video. Attendees shall mute their microphones when they are not
19 presenting oral arguments or are not otherwise actively participating at a particular time.

1 The parties shall confer and select a Reporter, and the cost of reporting and of
2 ordering transcripts shall be apportioned equally between Plaintiff(s) (one half) and
3 Defendant(s) (one half). The parties shall provide the Reporter's contact information to
4 the Special Master **no later than 12:00 P.M. Pacific Time the day before the hearing.**

5 The parties shall provide the Special Master and the Reporter with a list of
6 expected participants **no later than 12:00 P.M. Pacific Time the day before the**
7 **hearing.** This list shall be submitted by e-mail and shall indicate each name together
8 with e-mail address and status as counsel, client representative, or other relevant
9 affiliation.

10 Each party shall provide all other parties, the Reporter, and the Special Master with
11 an electronic copy of any demonstrative presentation slides that the party intends to use
12 during the hearing **no later than 12:00 P.M. Pacific Time the day before the hearing.**
13 Such demonstrative presentation slides that are not designated as confidential shall also
14 be filed in PDF form on the Court's docket as an attachment to a Notice (slides
15 designated as confidential shall be provided only by e-mail to all other parties, the
16 Reporter, and the Special Master). The parties should not attempt any video screen
17 sharing or other presentation of demonstratives during the hearing but rather should refer
18 to the electronic copies that have been distributed by the parties prior to the hearing.

19 Use of a headset, earbuds, or a combination of a microphone and headphones
20 (rather than using any external speakers) is strongly encouraged so as to minimize

1 feedback, room echoes, and other audio interruptions that might otherwise be a
2 significant impediment to the Special Master in conducting the hearing, to opposing
3 counsel in responding to arguments, and to the Reporter in producing a clear record.

4 Zoom information for this hearing is as follows:

5 Zoom Webinar ID: 867 0576 5789

6 Password: 22301043

7 Having reviewed the above-mentioned letter briefing submitted on January 19
8 and 29, 2024, having considered precedents such as *California Institute of Technology v.*
9 *Samsung Electronics Co., Ltd., et al.*, No. 2:21-cv-446, Dkt. 229 (E.D. Tex. June 21,
10 2023), and *Epistar Corporation v. Lowe's Companies, Inc., et al.*, No. 6:20-cv-420,
11 Dkt. 93, slip op. at 1 (W.D. Tex. Apr. 20, 2022), and noting that all of the patents-in-suit
12 in the “Charter Litigation” have also been asserted in the present litigation, the Special
13 Master hereby **ORDERS** as follows regarding all expert reports that the Cox Defendants
14 have requested that were served by the parties in the “Charter Litigation,” namely Civil
15 Action No. 2:22-cv-125 (E.D. Tex.):

16 (1) Entropic shall produce these expert reports to the Cox Defendants in the
17 present case no later than February 20, 2024, unless Entropic receives an objection from a
18 designating party, in which case Entropic shall immediately present any such objections
19 to the Special Master and shall await further instructions from the Special Master before
20 producing expert report(s) as to which an objection has been received;

(2) no later than February 2, 2024, Entropic shall give notice of this Special Master Order No. SM-12 to any designating parties relevant to the requested expert reports from the Charter Litigation.

Any objections that the parties in the above-captioned cases have to this Order should be raised at the February 5, 2024 discovery hearing, together with arguments regarding the other documents at issue.

IT IS SO ORDERED.

Dated: January 31, 2024

By: David M. Keyzer
David M. Keyzer
Special Master